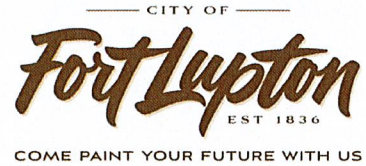


# CITY OF FORT LUPTON CITY COUNCIL



Shannon Rhoda, Ward 1  
Chris Ceretto, Ward 2  
Michael Sanchez, Ward 3

Zo Stieber, Mayor

David Crespin, Ward 1  
Tommy Holton, Ward 2  
Bruce Fitzgerald, Ward 3

## AM 2020-109

**APPROVE A RESOLUTION FOR AN APPLICATION FOR A SPECIAL USE PERMIT FOR A 12,000 GALLON ABOVEGROUND UNLEADED FUEL TANK, KNOWN AS THE COMPLETE ENERGY SERVICES SPECIAL USE PERMIT.**

I. **Agenda Date:** Council Meeting – June 16, 2020

II. **Attachments:**

- a. Proposed Resolution
- b. Planning Commission Resolution, Minutes & Staff Report
- c. Land Use Application
- d. Special Use Permit Application & Project Description
- e. Special Use Permit Maps
- f. Approved Permits
- h. Referral Responses
- i. Legal Notifications

III. **Summary Statement:**

*Complete Energy Services, Inc. ("Applicant") has submitted a request for a special use permit for a 12,000-gallon aboveground unleaded fuel tank on their property located at 13025 Highway 85. The property is situated east and adjacent to Highway 85 and approximately 0.08 miles north of County Road 16. The tank will be used in conjunction with existing oil and gas support services occurring at the site.*

IV. **Submitted by:** Mania Lenato  
Planner

V. **Finance Reviewed** \_\_\_\_\_  
Finance Director

VI. **Approved for Presentation:** [Signature]  
City Administrator

VII. **Attorney Reviewed** \_\_\_\_\_ Approved \_\_\_\_\_ Pending Approval

VIII. **Certification of Council Approval:** \_\_\_\_\_  
City Clerk

\_\_\_\_\_ Date

IX. Detail of Issue/Request:

*Complete Energy Services, Inc. ("Applicant") has submitted a request for a special use permit for a 12,000-gallon aboveground unleaded fuel tank on their property located at 13025 Highway 85. The property is situated east and adjacent to Highway 85 and approximately 0.08 miles north of County Road 16. The tank will be used in conjunction with existing oil and gas support services occurring at the site.*

*The Property is located within the 'I-2' Heavy Industrial Zone District. The Municipal Code does not list an aboveground storage tank for propane and fuel as a use by right in this zone district, but does specifically list it as being allowed with an approved special use permit. The Fort Lupton Comprehensive Plan designates this area as the Commercial Transition use type. The proposed use will not prohibit the transition to this use type in the future.*

*Section 16-7(d) states that the City shall use the following criteria to evaluate the Applicant's request:*

1. The special use shall satisfy all applicable provisions of the Code and shall be consistent with the intent of the Comprehensive Plan.  
*Staff Comment: The existing oil and gas services operation complies with the 'I-2' Heavy Industrial Zone District, therefore the proposed addition of the aboveground tank satisfies the intent of the Code. The Comprehensive Plan designates this area as the Commercial Transition zone. The proposed aboveground storage tank will be in conjunction with the existing oil and gas service operations on the site, staff has determined the use is consistent with the intent of the Comprehensive Plan and will not interfere with a future potential transition to commercial.*
2. The special use shall not substantially alter the character of the district or the neighborhood.  
*Staff Comment: The property is located adjacent to agricultural land to the north, Highway 85 to the west, an industrial support services company to the south, and the Union Pacific Railroad to the east. The proposed aboveground storage tank is located near the center of the property, and is therefore located away from other neighboring properties. Therefore, surrounding properties will not be affected.*
3. The special use will result in efficient on- and off-site traffic circulation, and will not have an adverse impact on adjacent uses or present hazardous conditions for pedestrians or vehicles.  
*Staff Comment: The proposed use does not add additional traffic from what currently exists from the existing operations.*
4. Adequate conditions of approval shall address: traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; erosion and other performance issues identified through the public hearing process.  
*Staff Comment: Impacts are expected to be minimal. The Planning Department has recommended conditions of approval to address any impacts, and that are listed on the proposed resolution.*
5. The term of the special use permit and any reporting and inspection requirements as might be reasonably necessary to ensure compliance with conditions of approval may also be specified by the City Council.  
*Staff Comment: A special use permit is non-transferable, and therefore if a new owner were to occupy the property the aboveground fuel tank approved through this application would no*

*longer be permitted unless a new application were submitted and approved. Planning Department staff will ensure compliance with other conditions of approval, either as listed on the proposed Resolution or as added by City Council.*

**X. Legal/Political Considerations:**

*The proposed use is not a specific listed use by right in the 'I-2' Heavy Industrial Zone District. The intent of the special use permit is to provide flexibility, to provide a means for setting performance standards for individual land uses and to help diversify uses within a zoning district. A special use review requires a public hearing before Planning Commission and City Council.*

*The Zoning Regulations require published notice of the hearings at least fifteen (15) days prior to the hearings. The Planning Commission and City Council hearings was published in the Fort Lupton Press on May 13, 2020.*

*Notice of the public hearings were posted at least fifteen (15) days prior to the hearings, as required by the Zoning Regulations.*

*Notice was mailed to neighbors within one-hundred (100) feet of the Property on May 12, 2020.*

**XI. Alternatives/Options:**

*The City Council has the following three options for each request:*

- a) Approve the request;*
- b) Deny the request; or*
- c) Refer the request back to Planning Commission for further study.*

**XII. Financial Considerations:**

*The Applicant has paid all applicable land use application fees and is covering ongoing review expenses.*

**XIII. Staff Recommendation:**

*Staff recommends conditional approval of the Complete Energy Services Special Use Permit for a 12,000 gallon aboveground unleaded fuel tank. The conditions are listed in the proposed Resolution provided to Council.*

**RESOLUTION NO. 2020Rxxx**

**A RESOLUTION OF THE CITY COUNCIL OF FORT LUPTON APPROVING A SPECIAL USE PERMIT FOR A 12,000 GALLON ABOVEGROUND UNLEADED FUEL TANK, KNOWN AS THE COMPLETE ENERGY SERVICES SPECIAL USE PERMIT, ON A PROPERTY LOCATED AT 13025 HIGHWAY 85 AND LOCATED IN A PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 NORTH, RANGE 66 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF WELD, STATE OF COLORADO.**

**WHEREAS**, the Planning Commission held a public hearing on May 28, 2020, for the purpose of reviewing the application from Complete Energy Services, Inc.d/b/a A&W Water Services for a special use permit for a 12,000 gallon aboveground unleaded fuel tank; and

**WHEREAS**, after review of the application and supporting information, and consideration of staff comments, applicant's presentation and any public input, the Planning Commission recommended approval, with conditions, of the special use permit application; and

**WHEREAS**, the City Council held a public hearing to consider and review the request for the special use permit on June 16, 2020; and

**WHEREAS**, after review of the application and supporting information, the City Council finds that the special use permit conforms to Colorado Revised Statutes and City codes and policies therein, and

**WHEREAS**, all legal requirements for the public hearing have been met, including publication of the legal notice in the Fort Lupton Press, mailing of public hearing notices to adjacent property owners within 100 feet, and posting of the hearing on the site; and

**NOW THEREFORE BE IT RESOLVED** that the Fort Lupton City Council reviewed the plans and supporting documentation, referral comments, as well as any citizen input in response to this application. Based upon the review of applicable policies and goals in the Fort Lupton Comprehensive Plan, review of the Zoning Regulations, and analysis of referral comments and the facts presented on this date, the City Council hereby approves the Complete Energy Services Special Use Permit for a 12,000 gallon aboveground unleaded fuel tank, with the following conditions:

- I. Prior to recording the special use permit map:
  - A. The title of the site plan and special use permit map shall include the Project No.: LUP2020-0014 & Plan No. SUP2020-0003.
  - B. Any redline comments provided by staff shall be made to the special use permit map.



C. The following note shall be added:

1. Any future expansion of the site or addition of a buildings or other structures not shown on the special use permit map will require the review from the Planning Department, Building Department, Engineering Department and the Fire District to determine if additional requirements are necessary prior to release of building permits.
2. The existing sign and shed located within the right of way will be moved or removed at the owner's expense at such a time as the access to the right away becomes necessary.

II. Prior to the release of building permits for the fuel tank:

- A. Written evidence shall be provided to show that any comments from the Fort Lupton Fire Protection District requirements have been adequately addressed.
- B. One set of Mylars of the map shall be submitted to the Planning Department for recording.

**APPROVED AND PASSED BY A MAJORITY VOTE OF THOSE ELECTED TO THE CITY COUNCIL THIS 16<sup>th</sup> DAY OF JUNE 2020.**

City of Fort Lupton, Colorado

\_\_\_\_\_  
Zo Stieber, Mayor

Attest:

\_\_\_\_\_  
Maricela Peña, City Clerk

Approved as to form:

\_\_\_\_\_  
Andy Ausmus, City Attorney